

TOWN CLERK

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Hours: Tuesday and Thursday 11 am – 2 pm; Wednesday evenings 7 - 9 pm

I, Eloise E. Salls, Town Clerk of Berlin, hereby certify that the following is a true and complete extract from the records of the May 5, 2019 Annual Town Meeting.

Warrant: CREATION OF COMMUNITY PRESERVATION ACT COMMITTEE

ARTICLE 40: To see if the Town will vote to create a new General Bylaw, to be consecutively numbered and titled “Community Preservation Act Committee,” that would establish a Community Preservation Act Committee, pursuant to Massachusetts General Law, Chapter 44B; and further to authorize the Town Clerk to assign an appropriate Article and Chapter number, and to make ministerial changes to numbering to bring such bylaw into accord with numbering system used in the Town Bylaws, or take any action relative thereto.

SECTION 1. Establishment

There is hereby established a Community Preservation Act Committee, consisting of seven (7) voting members pursuant to Massachusetts General Law Chapter 44B. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

One member of the Planning Board (Massachusetts General Law Chapter 41, Section 81A) as designated by said Board for a term of three (3) years;

One member of the Conservation Commission (Massachusetts General Law Chapter 40, Section 8C) as designated by said Commission for a term of three (3) years;

One member of the Historical Commission (Massachusetts General Law Chapter 40, Section 8D) as designated by said Commission for a term of three (3) years;

One member of the Recreation Committee (Massachusetts General Law Chapter 45, Section 2) as designated by said Committee for a term of three (3) years;

One member of the Housing Partnership (Massachusetts General Law Chapter 121B, Section 3) as designated by said Partnership for a term of three (3) years; and

Two at-large members appointed by the Board of Selectmen for a term of three (3) years each.

Any member of the Community Preservation Act Committee appointed by a commission, authority or board that made the original designation of appointment shall serve on the Community Preservation Act Committee so long as the member serves said commission, authority or board. Any vacancy on the Community Preservation Act Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any of the designating authorities under this Chapter be no longer in existence for whatever reason, the appointment authority for that purpose shall become the responsibility of the Board of Selectmen.

Initial appointments to the Community Preservation Act Committee shall be for staggered terms as follows: Planning Board, Conservation Commission, and Historical Commission designees shall serve a three (3) year term; the Recreation Committee and the Housing Partnership shall serve a two (2) year term; the Board of Selectmen appointees shall serve a one (1) year term. All subsequent appointees will serve three (3) year terms as noted above, or for designations under paragraphs (a) through (e), until their service on the underlying board has ended. Any member of the Community Preservation Act Committee may be removed for cause after a hearing by their designating or appointing authority.

SECTION 2. Duties

The Community Preservation Act Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The committee shall consult with existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Partnership, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation options and resources, notice of which shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the Town and on the Town's website. The Committee may use its administrative funds, after proper appropriation, to pay such expenses.

The Community Preservation Act Committee shall design, implement and publicize an application process for those seeking grants from the Community Preservation Act Funds under the Committee's management. The Community Preservation Act Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Act Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

The Community Preservation Act Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Act Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

SECTION 3. Requirement for a quorum and cost estimates

The Community Preservation Act Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Act Committee shall constitute a quorum. The Community Preservation Act Committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

SECTION 4. Amendments

The Community Preservation Act Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Act Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Massachusetts General Law Chapter 44B.

CHAPTER 5. Severability

In case any section, paragraph or part of this chapter is, for any reason, declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 6. Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth and compliance with all bylaw approval procedures under G.L. Chapter 40, Section 32. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

Or take any action relative thereto. (Finance Committee) Finance Committee recommends this action, 3-0.

Summary: This article would, if approved, create a Community Preservation Act Committee in Berlin that would solicit and evaluate grant proposals for the use of Community Preservation Act funds in the Town. The Community Preservation Act Committee would then recommend the approved grant applications to Town Meeting for final approval and funding.

Proceedings:

Article 40. **CREATION OF COMMUNITY PRESERVATION ACT COMMITTEE**

Voted to create a new General Bylaw Article XXIV - Community Preservation Act Committee that would establish a Community Preservation Act Committee pursuant to Massachusetts General Law, Chapter 44B with Sections 1 through 6 as described in Article 40 of the warrant for this meeting.